

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 5, 2003**

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of March 5, 2003, was called to order by Mayor Hitchcock at 7:03 p.m.

Present: Council Members – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Bill Sherrill, Lodi Police Chaplains.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to Dennis Duffy, representing the Red Cross board of directors, proclaiming the month of March 2003 as "National Red Cross Month" in the City of Lodi. Mr. Duffy invited Council and citizens to CPR Saturday on March 8 and the Hero's Breakfast in April.

Mayor Pro Tempore Howard noted that CPR Saturday is being held in honor of James Turner who recently passed away. Mr. Turner worked with the Red Cross and started the CPR Saturday program. She also recognized Mr. Turner's sister, Hersha Turner, Advertising Executive with the Lodi News-Sentinel.

D-3 (a) Debbie Olson, Regional Representative of the League of California Cities (LCC), presented City Manager Flynn with the 2003 LCC Award for the Advancement of Diverse Communities. Ms. Olson explained that the award is nominated by cities and voted on by city managers statewide. She stated that Mr. Flynn received the award for being a leader in promoting job advancement for those with disabilities, promoting multi-cultural health fairs, and developing rapport and trust between a broad spectrum of diverse cultures and socio economic and religious backgrounds.

Mr. Flynn stated that the award represents the work of many people on the City staff. He acknowledged Janet Hamilton and George Bradley as being the key individuals who made the award possible.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Beckman second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$2,013,633.33.

E-2 The minutes of February 4, 2003 (Shirtsleeve Session), February 11, 2003 (Shirtsleeve Session), February 18, 2003 (Shirtsleeve Session), February 25, 2003 (Shirtsleeve Session), and February 25, 2003 (Special Meeting) were approved as written.

E-3 Approved the specifications for power utility duct and fittings and authorized advertisement for bids.

Continued March 5, 2003

- E-4 Accepted donation of funds for manual irrigation system for Blakely Park east ball field from Pietros Pizza Parlors in the amount of \$2,150.
- E-5 Adopted Resolution No. 2003-30 awarding the contract for Turner Road Asphalt Concrete Resurfacing, 200 Feet West of Pleasant Avenue to Highway 99 Overpass, to George Reed, Inc., of Lodi, in the amount of \$777,780; and appropriated funds in accordance with staff recommendation.
- E-6 Adopted Resolution No. 2003-31 approving the submittal of a Battery Backup System (BBS) grant application to the California Energy Commission; accepting the BBS grant award (\$21,733) relating to the purchase and installation of uninterruptible power supply system for traffic signals; and authorizing the City Manager to execute the necessary documents.
- E-7 Approved the filing of a grant application for the Assistance to Firefighters Grant (Fire Act).
- E-8 Adopted Resolution No. 2003-32 authorizing the City Manager to execute the City of Lodi Letter Agreement 03-SNR-00553 between Sierra Nevada Customer Service Region (SNR) of the Western Area Power Administration and the City of Lodi for SNR to provide Shasta Rewinds and daily excess capacity and associated energy to Lodi.
- E-9 Adopted Resolution No. 2003-33 amending Traffic Resolution 97-148 by approving the installation of multi-way stop controls at the intersection of Century Boulevard and Mills Avenue.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider and approve community input and proposals for uses of the City's 2003/04 Federal allocation of Community Development Block Grant (CDBG) and HOME Program funds and the reallocation of available funds from previous program years.

Community Development Director Bartlam explained that this is the annual review of requested funds for the CDBG block grant program for the coming federal fiscal year, from which the City will receive \$843,000. In addition, the City will receive \$245,000 in HOME program funds. This year the City received 16 requests for funds from various agencies that totaled approximately \$1.6 million. He reviewed the requests as follows:

- Greater Stockton Food Bank – \$25,000 for replacement of a freezer unit at its facility in downtown Stockton;
- Family Law Service Center – \$7,800 for legal services to low-income individuals;
- Lodi Unified School District (LUSD) – \$245,989 for playground equipment at various schools;
- Senior Service Agency – \$11,440 for the purchase of a new vehicle for the Meals on Wheels program;
- Second Harvest Food Bank – \$10,000 for the expanding Senior Brown Bag and Food for Thought assistance programs;
- Mary Graham Children Shelter Foundation – \$57,147 for playground equipment at the new shelter in French Camp;
- Lodi Boys and Girls Club – \$31,000 for a variety of programs;

- Salvation Army Food Bank – \$200,000 for part of its new facility project on north Sacramento Street;
- Public Works – \$200,000 for handicap ramp retrofits;
- Parks and Recreation – \$689,000 for the playground replacement program, streetscape program, and restroom facilities;
- Laidlaw Transit – \$10,000 for part of the Dial-A-Ride low-income Grapeline passes for next fiscal year;
- Loel Senior Center – \$30,758 for rehabilitation of its facility on south Washington;
- Community Partnership for Families – \$45,000 to go toward design cost for its new family and resource center;
- Fair Housing – \$23,857 fair share allocation for fair housing services; and
- Program administration – \$42,272.

Mr. Bartlam stated that staff met with each applicant and reviewed the requests based upon Department of Housing and Urban Development (HUD) guidelines and standards. He recommended that the following adjustments to the requests be made for a total of \$843,222 in CDBG funds:

- LUSD – \$100,000 be awarded for playground equipment at the adult school on Pine Street, Joe Serna Charter School at the corner of Pine Street and Central Avenue, and Lawrence School;
- Senior Service Agency – Not recommending allocation. They requested funds for purchase of a replacement vehicle. Block grant funds can only go toward expanded or new programs, not for maintenance of an existing program.
- Mary Graham Children Shelter Foundation – \$48,345 for playground equipment;
- Lodi Boys and Girls Club – \$6,385 for computer programs for tracking clientele;
- Parks and Recreation – \$175,000 for Emerson Park playground improvements and Hale Park playground equipment replacement;
- Public Works – \$175,000 for handicap ramps; and
- Loel Senior Center – \$22,908 to remove and replace existing flooring.

Mayor Hitchcock asked how the Greater Stockton Food Bank's request for a freezer differed from the Senior Service Agency's request to purchase a vehicle.

Mr. Bartlam explained that a vehicle is not considered a capital item by HUD guidelines.

Hearing Opened to the Public

- Pat Patrick reported that eight months ago a volunteer team was established for the purpose of raising \$1.5 million to build a new Salvation Army family shelter facility. To date it has raised, has pledges, or identified \$1.2 million. The Lodi Salvation Army provides 30,000 pounds a week of bagged groceries and 6,000 meals a month out of the shelter. The new shelter will house women and children, as well as men. Two Salvation Army employees, Kevin Woods and Lon Stromes, run the current shelter facility on Sacramento Street. Both of these individuals originally came to the program with addiction problems. This semester they will both earn counseling certificates from the University of the Pacific. Mr. Patrick noted that this exemplifies the good work that the Salvation Army does.
- Annette Murdaca explained that Lodi House cannot accept women for emergency 24-hour shelter. Ms. Murdaca saw the new Salvation Army facility as "phase 2" to Lodi House. She agreed to assist with fundraising on the condition that they would offer shelter to women and children.

Mayor Hitchcock acknowledged that she met previously with Ms. Murdaca and Mr. Patrick regarding this matter.

At the request of Mayor Hitchcock, Ms. Murdaca reported that the current Salvation Army shelter on Sacramento Street is 5,000 square feet and has 24 beds for men. It also has a food bank on Lockeford Street that occupies 2,000 square feet. The new shelter facility is located at 622 N. Sacramento Street. The goal is to move the current men's shelter and the food bank to the new 17,000 square foot facility. The new facility will also have 30 bunk beds for single women, 50 bunk beds for men, five rooms for women with children, a counseling room, shower, restroom, and laundry facilities. It is hoped that construction will begin this summer and the facility will open in December.

Mayor Pro Tempore Howard stated that she met previously with Ms. Murdaca and Mr. Patrick regarding this matter. She commented that she participated on the Salvation Army's Steering Committee for the facility and voiced support for its request of CDBG funding.

Council Member Land also acknowledged that he met previously with Ms. Murdaca and Mr. Patrick regarding this matter. He explained that Lodi House cannot accept women that have alcohol or drug problems. He reported that 85% of the women that have graduated from Lodi House are now living in their own apartments, which demonstrates the program's success in breaking the cycle of homelessness. He thanked Mr. Patrick for leading the Salvation Army's fundraising campaign and commented that the new facility location will also aid in revitalizing the downtown area.

Council Member Hansen stated that he too met with Ms. Murdaca and Mr. Patrick regarding this matter.

In reply to Council Member Hansen, Mr. Patrick explained that only the food bank portion of the Salvation Army's Lockeford Street facility will be relocated to the new facility. The space vacated at the Lockeford Street facility will be used to expand the children's area.

- Paul Rengh, Chief Executive Officer with the Second Harvest Food Bank, reported that it delivers food for the Food for Thought, Senior Brown Bag, and Food Assistance programs. There are 192 recipients of the Senior Brown Bag program, and 60 of these individuals are homebound or have difficulty getting to the sites to pick up groceries. Volunteers make home deliveries to these individuals twice each month. There are 148 students in Lodi and 4,000 countywide that participate in the Food for Thought program. Mr. Rengh reported that he received communication yesterday from the Department of Aging instructing him to prepare his next budget assuming that there will be no funding from the state for the Senior Brown Bag program. He asked the Council and community to encourage elected officials to look elsewhere to cut funds, as this is a small program in terms of cost, yet it serves a great need.

Mayor Pro Tempore Howard commented that the Council received many phone calls and signatures of well over 100 individuals who wrote in support of the Senior Brown Bag program.

In response to Council Member Hansen, Mr. Rengh reported that funding for the Senior Brown Bag program currently includes \$23,000 from the state, \$18,000 from Title 3 Federal funds, and CDBG funding of \$10,000 from Lodi, \$15,000 from Manteca, \$15,000 from Tracy, \$10,000 from Lathrop, and \$3,000 from Ripon. The Food Bank also supplements approximately \$80,000 of its own operating funds, which is generated through fundraising efforts, etc. to make up the balance of the cost of the program over the course of a year.

Council Member Hansen stated that one of the callers in support of the Senior Brown Bag program was 91 years old and wanted to know why the government is considering the elimination of the program. Mr. Hansen believed it to be appalling and voiced his objection to the state's proposal.

Council Member Land recalled that last year when allocation of CDBG funds was being considered, he did not support programs that did not have capital projects or expansion of services. He noted, however, that last year there was not a \$28 billion deficit at the state or proposals to cut social service programs. Due to this, he voiced support for the Food Bank's request, stating that seniors are important, provide a great resource, and there is now a responsibility to take care of them as they took care of others in their youth.

- Don Bennett, Greater Stockton Emergency Food Bank, reported that senior issues are expanding and the food banks are exploding with the number of people needing their services. He stated that regular donations have decreased. The Emergency Food Bank provides 24 hour a day home delivery for adult and child protective services.

In reply to Council Member Beckman, Mr. Bennett explained that the Second Harvest Food Bank has four employees and is a direct provider of food to people. In addition, it operates pantries throughout the county, as well as one in conjunction with the Lodi Memorial Hospital prenatal and pediatric clinics. It provides food to the Loel Center, makes home deliveries, works with Community Partnership for Families, and responds to approximately seven calls a month from the Red Cross.

At the request of Council Member Land, Mr. Patrick stated that anyone interested in contributing funding or learning more about the Salvation Army's new facility can contact him at the Chamber of Commerce or Captain Frank Severs at 369-5896. Contributions can be sent to Hope Harbor, Salvation Army, P.O. Box 1388, Lodi 95241. Tours are offered every Tuesday at 4:30 p.m.

Mr. Bartlam reported that the City will receive \$245,891 in HOME funds. These funds are specifically related to housing programs that benefit low- to moderate-income individuals or families. Habitat for Humanity submitted an application for \$80,000. The balance of \$165,891 will go toward the City's Down Payment Assistance Program, which provides the down payment for qualified first-time homebuyers, and the Single Family Housing Rehabilitation Program that provides low-interest loans for qualified owners of homes that need substantial renovation.

Public Portion of Hearing Closed

In response to Council Member Hansen, Mr. Bartlam reported that last year, eight homes were renovated under the Single Family Housing Rehabilitation Program and there were 15 recipients of the Down Payment Assistance Program.

Council Member Land explained that CDBG and HOME funds do not come out of the City's general fund. They are federal funds allocated to cities and counties every year. He stated that Habitat for Humanity does an excellent job in providing affordable housing. Participating families must contribute 500 hours sweat equity in the home, take educational classes, and promise to help Habitat for Humanity with fundraising activities.

MOTION:

Council Member Land made a motion, Beckman second, to adopt Resolution No. 2003-34 approving the projected use of funds for the 2003/04 CDBG and HOME Program funds, and further reallocating available funds from previous program years.

DISCUSSION:

Council Member Beckman pointed out the irony in the fact that, although it is good that the federal government allows cities to allocate CDBG and HOME funds where they determine the greatest need is in the local community; if the federal government had not taken the tax dollars to begin with, the monies could have been directed to such programs without the need for this process.

VOTE:

The above motion carried by a unanimous vote.

RECESS

At 8:12 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:20 p.m.

G. PUBLIC HEARINGS (Continued)

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider a resolution establishing an area of benefit and reimbursable costs for Tienda Drive improvements.

Public Works Director Prima explained that the conditions of approval for this project included extending Tienda Drive, providing two points of access, and full street improvements. He reported that the Planning Commission decided that the developer should only be responsible for putting in the paving. He recalled Council had approved that the City would front the money for putting in the curb, gutter, and additional paving. At the time this approval was made, staff indicated it would return to Council when the costs were finalized, for a reimbursement arrangement in which the City would be reimbursed by the adjacent properties. As the City had advanced \$22,000 for the work, staff now recommends that Council approve a reimbursement agreement, under which the City would be repaid for its cost from the two parcels north and south of Tienda Drive at the time they developed. The cost also includes City fees that would normally have been charged on those improvements had they been done by the private subdivider and a \$500 charge for preparing the agreement.

In answer to questions posed by Council Member Hansen, Mr. Prima stated that there is no signal planned for the intersection of Lakeshore Drive and Kettleman Lane. The plans for the Kettleman Lane widening project include a median and left turn in access. He stated that minimal progress has been made in the paperwork and Caltrans process on the Kettleman Lane widening project. Caltrans has indicated that it wants amendments to the cooperative agreement with the City, which will require some changes in design. Mr. Prima cautioned that a larger concern is funding for the project. Staff is seeking an AB3090 agreement, in which Measure K would advance the funds for the project and get reimbursed in some future year from the State Transportation account. In April, the California Transportation Commission will be meeting to consider this issue. In the meantime, staff is considering fall back plans to accommodate a second travel lane westbound without putting in the median.

Council Member Hansen asked that the Kettleman Lane widening project be made a high priority, noting that if the Lowe's project goes in, the traffic congestion will worsen dramatically.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously adopted Resolution No. 2003-35 establishing an area of benefit and reimbursable costs for Tienda Drive improvements.

- G-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider adopting resolution approving the Stormwater Management Program and authorizing the City Manager to submit the program to the Regional Water Quality Control Board.

Public Works Director Prima explained that the stormwater program is an outgrowth of a Federal Clean Water Act regulation that applies to non-point sources. The City is applying for coverage under the general permit that the state is in the process of adopting. Lodi will have flexibility in developing its own program and citizens will benefit in terms of how well the storm drain system performs.

George Bradley, Street Superintendent, reported that the Stormwater Management Program has been discussed for the past year at public meetings and Shirtsleeve Sessions. The deadline to file the Plan, notice of intent, and the \$7,500 application fee is March 10, 2003. Additional funding for this plan will be included in the upcoming budget process. The permit will be for a period of five years. Mr. Bradley stated that the Plan is required to have six goals and cover the following areas:

- Public education and outreach;
- Illicit discharge detection and elimination;
- Public participation;
- Construction site runoff control;
- Post construction runoff control; and
- Pollution prevention/good housekeeping.

Mr. Bradley stated that there needs to be an increase in overall awareness of the public regarding where stormwater goes and how it gets into the waterways, as well as an increase in training and education of the City's employees.

Mr. Prima pointed out that the permit process was delayed recently when there was a federal court case that threw out part of the provisions and required some changes to the general permit process, namely, that there be an opportunity for the public to comment on the plan. It was for this reason that staff scheduled the public hearing.

In answer to Council Member Beckman, Mr. Prima explained that the requirements are due to federal regulations. The cost of approximately \$120,000 will ultimately be paid by wastewater rate payers.

Mayor Hitchcock asked whether it would require additional staff, to which Mr. Prima replied that Public Works will be asking to designate a contract employee to a full-time position.

Council Member Land stated that even though it's an unfunded mandate, the City needs to be a good steward of the river and this is something that probably should have been done a long time ago. He noted that inspection and maintenance was one of the best management practices recommended and asked whether that would help identify some of the drain systems that are clogged and causing streets to flood, to which Mr. Prima answered in the affirmative. Mr. Land stated that community education would also be very beneficial, as many citizens mistakenly believe that the storm drain system is the same as the sewer system. He recalled mentioning previously that a resident on Church Street had complained that street sweeping was not being accomplished effectively because it occurred on the same day as the garbage pick up and the containers were in the way.

Mr. Bradley replied that staff met with Waste Management regarding the matter, and since that time, letters have been distributed to residents on Church Street about the need to clear the street when street sweeping is scheduled. Waste truck drivers have been asked to be more careful about placing the containers back on top of the curb.

Council Member Hansen asked whether there would be an increased cost to taxpayers for the Stormwater Management Program.

Mr. Prima responded that there would be no rate increase for this particular project, as staff intends to absorb it into the budget. He pointed out, however, that staff intends to return to Council sometime in 2003 to discuss increasing wastewater rates due to the wastewater plant project.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, unanimously adopted Resolution No. 2003-36 approving the City of Lodi's Stormwater Management Program, authorizing the City Manager to submit a Notice of Intent to the Regional Water Quality Control Board, and further appropriating \$7,500 for the cost of the application.

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 The following report was presented to the City Council:

a) Planning Commission report of January 22, 2003

In answer to Mayor Hitchcock's inquiry regarding the temporary storage building at 267 North Mills Avenue, Community Development Director Bartlam explained that the request involved what was previously a modular classroom from the old St. John's Episcopal Church. The person who bought that property is the project manager for the construction of the First Baptist Church. The Planning Commission's approval was for a two-year period. It must either be removed after two years or provide for some mechanism to make it permanent.

H-3 The following postings/appointments were made:

a) The City Council, on motion of Council Member Land, Howard second, unanimously directed the City Clerk to post for the following vacancy:

Lodi Arts Commission

Jim Harvey

Term to expire July 1, 2005

H-4 Miscellaneous – None

I. REGULAR CALENDAR

I-1 "Update on State budget"

City Manager Flynn reported that Legislative Analyst Elizabeth Hill made a presentation last week at the Carnegie Forum regarding the state budget. Senator Poochigian and Assemblyman Nakanishi were also present. He also commented that last week a copy of the Senate Republican Party's recommendation on how to balance the budget without tax increases was received.

Deputy City Manager Keeter read the following statement from the League of California Cities Priority Focus newsletter: "The assertion is wrong. State assistance to California cities currently amounts to less than \$300 million (statewide), less than half of 1% of the state general fund. The Vehicle License Fee (VLF) backfill and other taxpayer programs provide tax relief, but do not provide additional resources to local government. The vast portion of state assistance to local government goes to counties who provide many programs and services on behalf of the state. Looking at the past four years, and under

generous assumptions of what constituted state "gives" to local government, cities are clearly net donors to the state, providing more funding through the ongoing Educational Revenue Augmentation Fund (ERAF) shift of property taxes than they received in state funding for all programs. In fact over the past four years California cities contributed over \$1.1 billion more in revenue than they received in all forms of state assistance. The Governor's proposed cuts would go beyond the total amount of state assistance to cities cutting more deeply into local (not state) funds." With the aid of overheads (filed) Ms. Keeter reported the following amounts that cities (statewide) received from the state in assistance:

- 1999-00 – \$314 million
- 2000-01 – \$628 million
- 2001-02 – \$369 million
- 2002-03 – \$362 million

Ms. Keeter explained that state general fund assistance to cities was comprised of Proposition 172 funds and did not include the tax relief programs of the VLF backfill. She reported the following amounts of ERAF property tax shifts:

- 1999-00 – \$-606 million
- 2000-01 – \$-654 million
- 2001-02 – \$-708 million
- 2002-03 – \$-779 million

Mayor Pro Tempore Howard stated that approximately \$800 million has been going into ERAF, and now that amount will be increasing further, at a cost of eliminating the entire category in the proposed budget for low and moderate housing. She noted that there are many other ways that education is funded beyond ERAF.

Council Member Beckman complained that the state continually imposes unfunded mandates on cities, takes funding away, and when a portion of the money *is* returned there are restrictions on its use. He believed that cities and the League of California Cities should voice their objections to the iniquitous actions that are taking place.

Council Member Land concurred with Mr. Beckman's statements. He reported that last night he attended a California Bankers Association legislative dinner at which the Governor spoke. Governor Davis expressed confidence that the details of the budget will be resolved and there will be a recovery in California's economy in the second quarter of 2004. Mr. Land commented that he heard on the news that Republicans are considering passing an unbalanced budget in which they would carry over some of the debt to the second year. He pointed out that there have been broken promises by the state to reimburse ERAF and backfill VLF monies to cities.

Mayor Pro Tempore Howard was adamantly opposed to a suggestion that had been made for cities to protest the state's actions by displaying the state flag upside down or taking it down entirely. She believed that pride and respect in the flags of the United States and the State of California should not be compromised and was greatly saddened that cities would even consider such action.

Council Member Hansen commented that he hoped the state would not consider passing an unbalanced budget and begin deficit spending, as it may prove even more difficult in the future to resolve the situation.

In reply to Council Member Hansen, City Manager Flynn reported that Proposition 172 Public Safety Augmentation Funds amount to \$150,000 for Lodi. He confirmed that there is a proposal to reduce VLF funding in 2003-04, with no reductions anticipated prior to that time.

Mayor Hitchcock concurred with Mr. Hansen's comments regarding deficit spending.

Council Member Beckman noted that there is a constitutional requirement for the state to have a balanced budget; however, he pointed out that in last year's budget the state deferred approximately \$4 billion to this year.

Mayor Hitchcock reported that the loss of jobs from the closing of Interlake may amount to a loss of \$6 million in wages to its employees, two-thirds of which live in the City of Lodi.

Mr. Flynn did not believe the closing of Interlake would have a noticeable impact on the City's budget. He stated that the loss in sales tax revenue would be minimal and noted that Lodi continues to grow and sell houses. The Lowe's project is anticipated to be completed by January 31, 2004 and is estimated to generate an additional \$1 million a year in sales tax. Lodi benefits from growth in north Stockton, because those residents often shop and dine in Lodi. He stated that southern California and the San Joaquin Valley are not feeling the impact of the recession. Legislative Analyst Elizabeth Hill presented information last week that showed growth in sales tax overall statewide. Lodi motels have increased profits by 60% to 80% in the past year. Additional costs for the City will result from an increase in CalPERS, medical insurance, and pay raises for employees. In response to these increases, Mr. Flynn reported that there is a hiring freeze in effect, capital projects and major expenditures are being deferred, and no new programs or activities will be recommended. Mr. Flynn warned that it would be unwise during such uncertain times to incur an additional \$1.5 million in personnel costs for the firefighter paramedic program, without the revenue that would be generated from providing transport services.

In response to Council Member Hansen, Mr. Flynn confirmed that at this point he has seen no indications that the City would have to layoff personnel. He assured Council that he was monitoring the financial condition on a daily basis and had been meeting regularly with employees to brief them on the situation.

Mayor Hitchcock requested that the City Manager provide Council with the list of positions that are frozen and how long they have been vacant.

MOTION/ VOTE:

There was no Council action necessary on this matter.

- I-2 "Review and take appropriate action, if necessary, regarding frequency and scheduling of City Council meetings and Informal Informational 'Shirtsleeve' Sessions"

Deputy City Manager Keeter reviewed six options as outlined in the staff report (filed). She commented that staff is in favor of continuing the Shirtsleeve Sessions, as they offer an opportunity to brief Council on complex matters prior to bringing it forward for action at a regular meeting.

Council Member Hansen stated that he was not in favor of eliminating Shirtsleeve Sessions or in changing to action style minutes. He voiced support for: 1) beginning regular meetings at 6:00 p.m., 2) placing a cap on the meeting length, and 3) having a meeting on the fifth Wednesday of the month. He noted that in the information he requested from the City Clerk regarding regular meeting adjournment times for the years 2001 and 2002, there were only six times that the meetings went beyond 11:30 p.m. He believed it to be a disservice to citizens to conduct meetings very late in the evening, as it limits opportunities for the public to participate and be heard on matters of interest to them.

Council Member Beckman noted that during 2001-02 the average meeting adjournment time was 10:30 p.m. He expressed support for: 1) beginning regular meetings at 6:00 p.m.; 2) placing a cap on the meeting length, 3) continuing weekly Shirtsleeve Sessions and perhaps holding them prior to regular meetings; and 4) continuing comprehensive summary minutes.

Mayor Pro Tempore Howard preferred that minutes continue to be prepared in the current comprehensive summary style format. She favored retaining the Shirtsleeve Session schedule as is and expressed agreement in the suggestion to change the name to Study Session. She was opposed to additional regular meetings; however, she would consider beginning the meetings at 6:00 p.m. She believed the current procedure of taking a vote at 11:00 p.m. to continue the meeting should remain intact.

Council Member Land reported that during the years 2001-02 the regular meetings averaged 14 consent calendar items, 1.3 public hearings, 6.3 regular calendar items, and the meeting length averaged 3.55 hours. He believed that the current meeting schedule was adequate and stated that the Council meetings should be treated as business meetings. He suggested having special meetings on the fifth Wednesday of the month if there were matters of interest or importance that warranted it. He expressed support for continuing the current Shirtsleeve Session schedule and for the comprehensive summary style minutes.

Mayor Hitchcock concurred with the suggestion of conducting meetings on the fifth Wednesday of the month. She agreed that Shirtsleeve Sessions were important to continue; however, she preferred that they be held from 5:00 p.m. to 6:30 p.m. prior to regular meetings in an effort to be more convenient for the public. She suggested that Closed Session meetings be scheduled for 7:00 a.m. on Tuesday and preferred that the City Council meeting minutes style remain unchanged.

Council Member Hansen was opposed to scheduling Shirtsleeve Sessions prior to regular meetings. He recommended that when special Closed Session meetings are scheduled at the same time as Shirtsleeve Sessions, that the Closed Session be conducted last, so that the public is not inconvenienced.

City Manager Flynn expressed his opinion that the current City Council meeting schedule has worked well for many years. He reiterated an earlier comment that regular Council meetings should be handled as business meetings, rather than meetings to inform the public.

Council Member Beckman concurred with Mr. Land's statements and suggested that the current City Council meeting schedule remain unchanged.

PUBLIC COMMENTS:

- Eileen St. Yves commented that she has watched Council meetings where one topic was discussed for one and a half hours, and meetings where the same question was asked and answered up to seven times. She stated that all Council Members should arrive at meetings fully prepared and with "their homework done". She noted that often times during extended meetings only City staff are present and this results in comp time being used by these employees, which in turn, lessens services to the public. Ms. St. Yves stated that she has lived in Lodi 30 years and believed that the current City Council meeting schedule is adequate. She suggested that a time be set for every item on the agenda to help keep the meetings on track.

In answer to Council Member Hansen, City Attorney Hays explained that a motion would need to be made only if Council wanted an extra meeting *regularly* scheduled for the fifth Wednesday of month. It is the prerogative of the Mayor or majority of the Council to call a special meeting on the fifth Wednesday should circumstances warrant it.

Mayor Hitchcock commented that she was disappointed Shirtsleeve Sessions will continue to be held at 7:00 a.m., as she had received input from the public that the early morning time is not conducive to most people's schedules.

MOTION / VOTE:

The City Council took no action on this matter.

- I-3 "Approve Lodi Kiwanis Club proposal to reconstruct planter at City Hall parking lot, Pine and Church Streets"

Public Works Director Prima recalled that in 1980-81 the Lodi Kiwanis Club constructed the brick planter and installed the tree and landscaping on the corner of Pine and Church Streets. Since that time the tree roots have caused damage to the planter and sidewalk area. The Kiwanis Club has requested that they be allowed to repair the corner by removing the brick planter in the center, much of the concrete flat work, and the rear side of the planter area. The Club will provide the labor and do the necessary landscaping and irrigation work. They will hire a contractor to do the brick work and have asked the City to remove the concrete and brick and bring in fill dirt.

In reply to Council Member Hansen, Mr. Prima explained that the carob tree is now halfway through its lifespan and will likely need to be replaced in 15 to 20 years.

At the request of Council Member Land, Jim Peek President of the Lodi Kiwanis Club reported that the Club meets every Monday at 12:00 p.m. at Travis Café. He reported that they have 38 members and will soon be chartering a Key Club at Lodi High School. It is anticipated that students will assist the Kiwanis Club with this project.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Howard, Beckman second, unanimously approved the Lodi Kiwanis Club proposal to reconstruct the City Hall parking lot planter at the northwest corner of Pine and Church Streets.

- I-4 "Approve renewal of contracts with Outdoor Systems Advertising Company for City-leased advertising billboards"

Cynthia Haynes, Community Promotions Coordinator, reported that the freeway billboard program began in 1994. Lodi currently has four billboards. The Viacom Outdoor contract under consideration is for three billboards which are located at: 1) Highway 99 at Peltier Road, 2) Highway 99 at Armstrong Road, and 3) Highway 12 at Victor Road. The Winegrape Commission will donate the artwork and pay for the monthly cost of the smaller sign on Highway 12. Ms. Haynes stated that she has attended meetings of the California Downtown Association for the past seven years, and comments from attendees have led her to believe that the billboards are very advantageous in terms of marketing the Lodi area.

Josh Abdon, Sales Manager for Viacom Outdoor, explained that over the past five years the company has changed names from Infinity Outdoor, Outdoor Systems, 3M, 3M Media, to its current name. He noted that the billboards are in prime locations and there are currently waiting lists to lease them.

In reply to Council Member Land, Mr. Abdon stated that the company could probably get double the contract price for the Highway 99 signs.

Ms. Haynes added that Viacom agreed to decrease the annual escalator from 5% to 2%. She noted that Lodi would probably not be able to get the same billboard signs back again if the contracts were not renewed.

Council Member Land commented that Council had been informed at its last meeting that Ms. Haynes would soon be leaving employment with the City. He stated that Ms. Haynes has done a lot for Lodi and she will be missed.

Mark Chandler of the Lodi-Woodbridge Winegrape Commission stated that the Commission pays for the billboard on east Highway 12 and rents a similar sign on west Highway 12. He reported that traffic coming to the Lodi Wine and Visitor Center has increased 60% from its first year of operation and sales have nearly doubled. He

attributed the increase to having improved billboard artwork and making its message an invitation to a specific location in Lodi. He believed that the signs were an image enhancer and gave a sense of community presence. Information collected at the Visitor Center indicates that most of the traffic they receive is from people on their way to other destinations, e.g. Sacramento, Yosemite, ski areas, etc. The Visitor Center often receives inquiries about restaurants, shopping, the downtown area, and antique stores. Mr. Chandler noted that billboard regulations and costs are increasing. He urged Council to protect its interest in the billboards.

In reply to Mayor Hitchcock, Mr. Chandler stated that the sign on Highway 12 near Victor Road is seen by grape growers and travelers on their way to skiing destinations. He noted that the sign is one quarter of the cost of the other billboards.

In response to Council Member Hansen, Mr. Chandler explained that there are a limited number of billboard opportunities, particularly on Interstate 5. The Commission has not considered increasing the number of billboards due to the cost. He commented that the Wine and Visitor Center is advertised at the Sacramento airport, in magazines, and brochures are distributed throughout northern California.

Mayor Pro Tempore Howard concurred with Mr. Chandler's assessment on the value of the sign on Highway 12 near Victor Road. It has become the preferred route for Bay Area travelers on their way to skiing destinations.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously authorized the City Manager to renew a three-year contract with Outdoor Systems Advertising Company for advertising on the two billboards on Highway 99 and an additional sign on Highway 12 east of Victor Road.

I-5 "Adopt resolution adopting the City policy on transit service outside of regular operations"

Public Works Director Prima explained that the City policy on transit service outside of regular operations was amended to reflect regulations by the Federal Transit Administration (FTA) and the State Transportation Development Act. He stated that precautions must be taken to ensure the City is not competing with the private sector for transit services.

In response to questions posed by Council Members, Tiffani Fink, Transportation Manager, reported that any requests for transit service outside the standard boundaries would be brought to Council for approval. She commented that the City's trolley is very popular; however, according to the FTA it is considered a bus. Ms. Fink stated that she receives three to four requests each week to reserve the trolley or a bus for weddings, tours, club nights, fundraisers, etc. According to regulations the City is required to determine whether private providers in Lodi, Galt, Stockton, and the County could provide the service, and if so, the City is prohibited from doing so. If it is determined that there is no private sector provider available, then the City must charge the full cost for the service, which includes the hourly rate from Laidlaw, fuel, maintenance, and staff time.

Mayor Hitchcock and Council Member Hansen expressed concern about Dial-A-Ride buses being reserved and used for purposes such as transporting wedding parties, noting that it could negatively impact response times and services to regular passengers. They favored restricted use of Dial-A-Ride buses to seniors and the disabled.

Ms. Fink replied that the recent Request for Proposals for transit operations included language that the City had the right to restrict or limit the number of reservations during certain times.

Pat Patrick, Chamber of Commerce Executive Director, reported that in the past the Chamber had used City buses without charge for two annual events. The Sandhill Crane

Festival is held each year over a three day period and City buses have been scheduled to provide 60 tours of Lodi Lake and wetland habitat areas. Each tour has 10 to 13 passengers and ticket prices are \$10. Mr. Patrick stated that Ron Taylor Tours, Storer, and Delta do not have the smaller size buses that are normally used for the Sandhill Crane Festival tours. In addition, these private providers charge considerably more than the City's full cost for service, which may increase the tour ticket prices to an amount which would hinder participation. The Chamber also reserves a City bus each year for Leadership Lodi agricultural day, in which a class of 12 to 14 is given a tour of the Wine and Visitor Center, vernal pools, agricultural areas, the Woodbridge Irrigation District, and White Slough.

Mr. Prima responded that the policy indicates that the issue of providing transit service for the Sandhill Crane Festival will be brought to Council for approval. He noted that there is an exception for special events in which the FTA can be petitioned to allow the City to provide the service without advertising for private providers. In reference to the Leadership Lodi tour, Mr. Prima believed that as long as City staff participated, it could be considered a City event and treated as described under Section II, B in the policy.

Council Member Beckman stated that he could support the policy as long as the City was not competing with private entities.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2003-37 adopting the City policy on transit service outside of regular operations.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Mayor Pro Tempore Howard made a motion, Hansen second, to continue with the remainder of the meeting following the 11:00 p.m. hour. The motion **failed** by the following vote (Note: this issue requires a 4/5 vote of the City Council):

Ayes: Council Members – Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – Beckman and Land

Absent: Council Members – None

I. REGULAR CALENDAR (Continued)

I-6 "Provide direction for replacement of heating, ventilation, and air condition and carpet for Fire Station #1 living quarters" was ***continued to the regular meeting of March 19, due to the failed vote on the motion to continue with the remainder of the meeting.***

I-7 "Adopt resolution authorizing the City Manager to approve changes in the project scope for Public Safety Building/Civic Center Renovation Concept Plan contract with Wenell Mattheis Bowe for tenant improvements for the Finance Department and for the Information Systems Division; and appropriate funds (\$400,000)" was ***continued to the regular meeting of March 19, due to the failed vote on the motion to continue with the remainder of the meeting.***

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

None.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

None.

Continued March 5, 2003

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:07 p.m. in memory of James Harvey, pastor of Lodi Community Church of God and Arts Commissioner who passed away on February 17, 2003.

ATTEST:

Susan J. Blackston
City Clerk